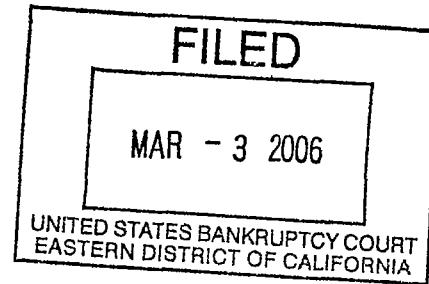


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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re) Case No. 05-36751-C-7
JERRY J. GALLEGOS and) MC No. RLE-1
MICHELLE GALLEGOS,)
Debtors.)
_____)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION FOR RELIEF FROM AUTOMATIC STAY**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014. Evidence was taken pursuant to Federal Rule of Civil Procedure 43(e), as incorporated by Federal Rule of Bankruptcy Procedure 9017 and as invoked by Local Bankruptcy Rule 9014(e).

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b) (2) (G).

23

1 Findings of Fact

2 Debtors filed their voluntary chapter 7 petition on
3 October 14, 2005. They scheduled a 2003 Jeep Liberty
4 ("vehicle") as property of the estate. The first meeting of
5 creditors was held on November 21, 2005. The chapter 7 trustee
6 filed a report finding that there is no property available for
7 distribution from the estate over and above that exempted by
8 the debtors. The court observes that debtors were discharged
9 from all dischargeable debts on January 31, 2006.

10 On February 14, 2006, Daimlerchrysler Financial Services
11 Americas, LLC, ("movant") filed a motion, notice, and
12 declaration requesting that this court vacate the automatic
13 stay to permit movant to repossess the vehicle. The Kelley
14 Blue Book value of the vehicle is approximately \$11,450.
15 Movant holds a lien on the vehicle in the approximate amount of
16 \$11,087.81. The court is not aware of any other liens against
17 the vehicle. Upon review of the record, the court determined
18 that the written record was adequate and that no oral argument
19 is necessary.

20

21 Conclusions of Law

22 The automatic stay of acts against debtors in personam
23 and of acts against property other than property of the estate
24 continues until the earliest of the time when the bankruptcy
25 case is closed, dismissed, or an individual in a chapter 7 case
26 is granted a discharge. 11 U.S.C. § 362(c). The automatic
27 stay may be terminated earlier if debtors fail to protect the
28 secured party's interest adequately, § 362(d)(1), and, with

1 respect to a stay of an act against property, debtors do not
2 have equity in the property, § 362(d)(2)(A), and the property
3 is not necessary to an effective reorganization. 11 U.S.C. §
4 362(d)(2)(B). The issue of whether the property is necessary
5 to an effective reorganization is not considered in a chapter 7
6 case because no reorganization is contemplated in a chapter 7
7 case.

8 Although the debtors appear to have some equity in the
9 vehicle, since the debtors were granted a discharge, the motion
10 for relief from the automatic stay is moot as to the debtors.
11 Thus, the motion will be denied.

12 However, because the chapter 7 trustee filed a no asset
13 report, the motion will be granted as to the trustee.

14 An appropriate order will issue.

15 Dated: March 3, 2006

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18 UNITED STATES BANKRUPTCY JUDGE
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1 CERTIFICATE OF SERVICE
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3 On the date indicated below, I served a true and
4 correct copy(ies) of the attached document by placing said
copy(ies) in a postage paid envelope addressed to the person(s)
hereinafter listed and by depositing said envelope in the
United States mail or by placing said copy(ies) into an
interoffice delivery receptacle located in the Clerk's Office.

5 Jerry & Michelle Gallegos
6 929 Moonlit Way
7 Folsom, CA 95630

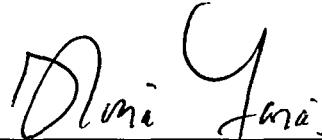
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11 Davis, CA 95617

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14 Office of the United States Trustee
15 United States Courthouse
501 "I" Street, Suite 7-500
16 Sacramento, CA 95814

17
18 Dated: 3-6-06

19
20 
Deputy Clerk

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24
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26
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